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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------------|------------------|
| 10/771,090 | 02/03/2004 | Daniel T. Johnson | 14063.01 | 1950 |
| 7590 | 03/01/2006 | | EXAMINER O'CONNOR, GERALD J | |
| Sean D. Solberg DORSEY & WHITNEY LLP Suite 1500 50 South Sixth Street Minneapolis, MN 55402-1498 | | | ART UNIT | PAPER NUMBER |
| | | | 3627 | |
| DATE MAILED: 03/01/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/771,090 | Applicant(s) JOHNSON ET AL. | |
| | Examiner James S. McClellan | Art Unit 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. Applicant's Information Disclosure Statement submitted on 9/9/04 has been fully considered as indicated by the signed PTO-1449 attached to this Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,688,026 (hereinafter "Scribner").

Scribner discloses a method of surveying equipment assets comprising loading equipment data into a server (see step 212) or collection device (108; see column 6, lines 35-40) and operating the collection device (mobile device; 108) to survey equipment assets located at the site and create a site equipment database.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scribner in view of U.S. Patent No. 6,298,333 (hereinafter “Manzi”).

Scribner discloses a system for collecting information relating to equipment located at a site as set forth above in section 3. It is noted that Scribner identifies the equipment (for example, see Figure 3, “1982 Drexel Couch”).

Scribner fails to explicitly disclose the specified data includes a set of equipment categories and a set of attributes relating to each category.

Manzi teaches the use of recording for each item of equipment comprising an equipment category (see Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Scribner with equipment categories as taught by Manzi, because recording equipment category information allows the organization to better track equipment for accounting purposes (depreciation and taxes).

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scribner in view of U.S. Patent No. 6,154,738 (hereinafter “Call”).

Scribner discloses all claimed elements as set forth above in section 3, but fails to explicitly disclose communicating equipment data to a central server via XML.

Call teaches the use of communicating inventory data to a central server (see Figure 8, “Shared Product Info Server 840”) via XML (see Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Scribner with a central server as taught by Call, because communicating data to a central server provides organized data storage and efficient

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access from multiple locations and further maintaining data consistency by using a single primary storage location.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Gray et al., Brown et al., Conway, Black, and Fuchs et al. are cited of interest for disclosing equipment inventory tracking systems.

Capazario et al. is cited of interest for disclosing an image recognition inventory management system for updating inventory data with a mobile device.

Jaeger et al. is cited of interest for disclosing a method for classifying equipment in an asset management database.

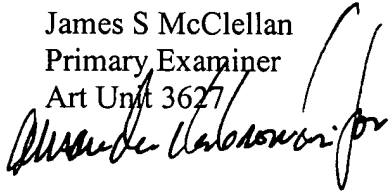
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jsm
8/20/05

James S McClellan
Primary Examiner
Art Unit 3627


ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER